IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.9469/07
Ashok Kumar Vs. P.O., MACT, Hindaun City & Ors.

Date of order : 30/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Vinay Mathur for the petitioner.

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This writ petition has been filed against the award dated 19.7.2007 whereby the MACT, Hindaun City has awarded a compensation in the sum of Rs.7,000/- to the claimants.

Learned counsel for the petitioner has submitted that writ petition is maintainable against the award because the appeal is barred under sub-section (2) of Section 193 of the Motor Vehicles Act, 1988.

Sub-section (2) of the Motor Vehicles Act, 1988 provides that no appeal shall lie against any award of a

Claims Tribunal if the amount in dispute in the appeal is less than ten thousand rupees.

It is contended that this matter raises an important question of law, therefore notwithstanding the bar contained in sub-section (2), supra, the writ petition even otherwise would be entertained.

Having heard the learned counsel for the petitioner and perused the material on record, I find that in this case on account of death of a buffalo, the Motor Accident Claims Tribunal has awarded a meager amount of Rs.7,000/-. The intention of the legislature in barring appeals against the award having amount of less than Rs.10,000/- appears to give a finality to claims of petty and small amounts. A writ

petition cannot be entertained merely because an appeal cannot be filed. When the remedy is specifically denied by the legislature that by itself may be the reason for not entertaining the instant writ petition.

I do not see any extraordinary reason to entertain the writ petition.

The writ petition is summarily dismissed.

(MOHAMMAD RAFIQ), J.

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